

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 03-1796

Terrick Terrell Nooner,

Appellant,

v.

Larry Norris, Director,
Arkansas Department of Correction,

Appellee.

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Appeal from the United States
District Court for the Eastern
District of Arkansas.

[UNPUBLISHED]

Submitted: August 7, 2003

Filed: August 12, 2003

Before WOLLMAN, FAGG, and MORRIS SHEPPARD ARNOLD, Circuit Judges.

PER CURIAM.

Arkansas inmate Terrick Terrell Nooner appeals the district court's¹ order summarily dismissing his petition for a writ of habeas corpus. Upon careful review of the record, we affirm.

¹The Honorable George Howard, Jr., United States District Judge for the Eastern District of Arkansas, adopting the report and recommendations of the Honorable J. Thomas Ray, United States Magistrate Judge for the Eastern District of Arkansas.

Although Mr. Nooner labeled his petition as one brought under 28 U.S.C. § 2241, we view it as a 28 U.S.C. § 2254 petition, because he is a state prisoner. See Crouch v. Norris, 251 F.3d 720, 723 (8th Cir. 2001). Thus, to proceed with this appeal, Mr. Nooner requires a certificate of appealability, which we grant. See 28 U.S.C. § 2253. As to the merits, we conclude that dismissal was proper for the reasons explained by the district court.

Accordingly, we affirm. We also deny all pending motions.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.